**Column: 'Juan Crow' law alive and well in Alabama**

**By David Person**

Updated 11/1/2011 5:28 PM

HUNTSVILLE, Ala. – Here in the South it feels like the 1960s all over again. And now, just as back then, far right-wing white politicians are doing their damnedest to be the poster boys of ***intolerance***, this time on the issue of immigration.

THOUGHTS / IDEAS

Birmingham's Eugene "Bull" Connor, Dallas County Sheriff Jim Clark and Alabama Gov. [George Wallace](http://content.usatoday.com/topics/topic/George+Wallace) were high-profile ***antagonists*** of the civil rights movement. Today, it's north Alabama Rep. [Mo Brooks](http://content.usatoday.com/topics/topic/Mo+Brooks) and Kansas Secretary of State Kris Kobach leading the ***anti***-illegal-immigration charge. Of all Alabama's officials, Brooks has been the most inflammatory and ***provocative*** cheerleader for the state's ***heinous*** immigration law. Kobach helped Alabama and other states craft similar laws through his side gig with the Federation for American Immigration Reform (FAIR), an organization described as a hate group by the [Southern Poverty Law Center](http://content.usatoday.com/topics/topic/Southern+Poverty+Law+Center).

Despite objections from the [Justice Department](http://content.usatoday.com/topics/topic/Organizations/Government+Bodies/United+States+Department+of+Justice), a federal judge [upheld portions of it](http://online.wsj.com/article/SB10001424052970204226204576599012968434494.html), directing Alabama law enforcement officers to act as ***de facto*** immigration agents during routine traffic stops and requiring school systems to document the citizenship status of new students. Some are calling it "Juan Crow" — a play on Jim Crow, the ***moniker*** for segregation in the pre-civil rights South — because of the likelihood that Hispanics will be subjected to ***racial profiling*** and ***dubious*** detentions.

Not surprisingly, most black lawmakers in the South strongly oppose this and similar laws. They have not forgotten the sting of Jim Crow laws that were aimed at ***segregating*** blacks and denying them equal access to jobs, education, housing and health care.

The Justice Department is asking the 11th [Circuit Court of Appeals](http://content.usatoday.com/topics/topic/Circuit+Court+of+Appeals) to ***invalidate*** the law. That court [temporarily blocked](http://blog.al.com/breaking/2011/10/appeals_court_blocks_two_more.html) the portions requiring that schools collect immigration data and that immigrants carry proof of residency. This month, it is expected to hear full arguments challenging the constitutionality of the law.

**Taxes and education as weapons**

That has not ***deterred*** Brooks and other supporters of the law from continuing to dig in, repackaging the old arguments that were used against Jim Crow-era blacks to target the undocumented. For example, like Jim Crow laws ***imposed*** segregated schools on black children, the Alabama law attempts to place barriers to illegal immigrants getting an education — though the appeals court has temporarily blocked that part of the law.

"The bottom line is illegal aliens consume far more of our tax resources than they generate," Brooks told *Politico* recently. "We don't have the money in America to keep paying for the education of everybody else's children from around the world."

The [Tax Foundation](http://content.usatoday.com/topics/topic/Tax+Foundation), a non-partisan tax research group that conservatives love to quote, ***disputes*** Brooks' first point. The foundation [concluded that](http://www.taxfoundation.org/blog/show/1424.html) undocumented workers are helping to fill federal and state coffers via payroll taxes (Social Security and Medicare) and sales taxes on food, clothing and other essentials. Some might even pay income taxes, depending on their income level and whether or not they have a Social Security Number or a Tax Identification Number, even if they are ***fraudulent*** numbers.

As for Brooks' claim of having to educate "everybody else's children," the Supreme Court [in 1982 ruled](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html) in *Plyler v. Doe* that any child living in the [U.S.](http://content.usatoday.com/topics/topic/U.S), whether here legally or illegally, has a right to a free public education. Alabama's law attempted to get around that fact by not blocking enrollment, but by requiring the student and/or parent upon enrollment to provide proof of citizenship as a way to track the number of illegal immigrant students.

THOUGHTS / IDEAS

Of course fear, not facts, is driving Alabama's law and its sister laws. The same fear, no doubt, moved FAIR founder John Tanton to write in a 1993 letter that his goal is to keep the United States "a European-American majority, and a clear one at that." Supporters of Alabama's law also claim that undocumented workers are taking jobs away from American citizens. But Tanton and FAIR should rest easy. Alabama and its deep South neighbors still have solid white majorities. Hispanics make up only 3.9% of Alabama's population, according to the [Census Bureau](http://content.usatoday.com/topics/topic/Organizations/Government+Bodies/Census+Bureau). Florida (23%), Georgia (9%), Tennessee (5%) and Mississippi (3%) are just as safe.

**Some rise up despite bias**

But the Tantons and Brookses of the world should remember that some of our society's greatest contributors have been victims of discrimination. Survivors of Jim Crow have become some of our nation's most important leaders in business, science, academics and entertainment. Many future leaders are now being subjected to Juan Crow when what they should be given is a fair and reasonable path to citizenship.

I recently met two of them — sisters Kelly and Nelly (I am not giving their last name because of their immigration status.) — who crossed the Mexico-U.S. border five years ago with their parents, struggling farmers from the small city of Cuerna Vaca. For now, despite the law, their family is opting to stay in Alabama.

"My parents told us we had to come," said Kelly, the oldest at 18. "They didn't want the same thing for us."

"We want a better life," said Nelly, 15.

Hopefully, they'll still have one — as long as our ***bigotry*** and fears don't get the best of us.